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I state that on \_\_\_\_\_, 20\_\_\_\_ while exercising my duties as a  
law enforcement officer in the \_\_\_\_\_ District of \_\_\_\_\_

Executed on: \_\_\_\_\_  
Date (mm/dd/yyyy) U.S. Magistrate Judge

CVB SCAN AUG 30, 2017 13:28

**STATEMENT OF PROBABLE CAUSE**

I, K. SUTER, have been employed as a TASK FORCE OFFICER of the Federal Bureau of Investigation (FBI) for approximately two and-a-half years. Since May of 2015, I have been assigned to the John F Kennedy International Airport Resident Agency of the FBI, where I investigate violations of Federal law which occur within the airport environment and on board aircraft. Title 49 United States Code, Section 46501 establishes the Special Aircraft Jurisdiction of the United States and gives the federal government jurisdiction in all criminal matters occurring on any civil aircraft of the United States while in flight regardless of departure or arrival location.

This statement of probable cause is in support of a violation notice against Musa YENNI for violation of Title 18, United States Code, Section 113 (A)(4), Assault, which occurred on 8/19/2017 while aboard Spirit Airlines flight 174, originating in Florida/United States and arriving at John F. Kennedy International Airport ("JFK"), Queens, New York. This is within the special maritime and territorial jurisdiction of the United States.

The facts set forth in this Statement of Probable Cause are based on my personal observations, my training and experience, and information obtained from other law enforcement officers/agents and witnesses. This document is intended to show that there is sufficient probable cause for the requested violation notice and does not allege to set forth all of my knowledge of the investigation regarding this matter.

**BACKGROUND**

Title 18, United States Code, Section 113 states "Whoever, within the special maritime and territorial jurisdiction of the United States is guilty of an assault shall be punished as follows." Section 113(a)(4) states "Assault by striking, beating, or wounding, by a fine under this title or imprisonment for not more than six months, or both."

At the time of the incident, Spirit Airlines flight 174, flying from Fr. Lauderdale Florida to JFK, New York, was in the special aircraft jurisdiction of the United States. Musa YENNI was a passenger on Spirit Airlines Flight 174.

As I explain below, I believe that YENNI violated Title 18 U.S.C. ' 113(a)(4) assault, by inappropriately touching and squeezing/groping a passenger on board Spirit Airlines flight

174, en-route to JFK.

**SUMMARY OF PROBABLE CAUSE**

1. On 8/19/2017, the on call duty agent assigned to the FBI's JFK Resident Agency, responded to Terminal B at LGA following the notification of an assault/inappropriate touching which occurred on board Spirit Airline Flight 174 en-route to JFK.

2. On 8/19/2017, I interviewed \_\_\_\_\_, a passenger, on Spirit Airline flight 174. I \_\_\_\_\_ explained the following:

a. \_\_\_\_\_ was seated in 28B, the middle seat, beside her boyfriend, later identified as Charlton ENOC, who was seated in the window seat, 28A. Soon after flight 174 took off from Ft. Lauderdale, \_\_\_\_\_ the male passenger seated next to her in 28C, later identified as Musa YENNI, began rubbing the outside of her right thigh with the outside of his hand. \_\_\_\_\_ initially thought that YENNI was adjusting himself in his seat. However, as the flight continued on, \_\_\_\_\_ observed that YENNI's hand was constantly on her side of the arm rest and would occasionally rub her thigh. Towards the end of the flight, YENNI squeezed the outside of her thigh.

\_\_\_\_\_ showed the writer a video that she took of YENNI rubbing the outside of her thigh with his left hand, while holding and moving a blanket with his right hand to cover the actions of his left hand.

3. On 8/19/2017, I interviewed Charlton ENOC, a passenger on Spirit Airline 174. ENOC explained the following:

a. ENOC confirmed that he was on Spirit Airline flight 174 with his girlfriend, \_\_\_\_\_, and seated in the window seat, 28A. ENOC confirmed that \_\_\_\_\_ was seated in 28B and the YENNI, who they had no relation to, was seated in the aisle seat, 28C.

4. On 8/19/2017, I interviewed Musa YENNI, a passenger on Spirit Airline Flight 174. After being advised of his Miranda rights and agreeing to answer questions without an attorney (witnessed by PAPD DET. P. Tysowski), YENNI explained the following:

a. YENNI confirmed that he was seated in 28C, an aisle seat. Seated beside him was a female passenger. The flight was

very tight with limited space. Due to the lack of space on the flight, there were times during the flight where there was contact between himself and \_\_\_\_\_, but no deliberate contact. When asked if he deliberately rubbed the \_\_\_\_\_'s leg, YENNI responded with, "No."

5. On 8/19/2017, I spoke with the duty Assistant United States Attorney for the Eastern District of New York, Turner Buford. After discussing the facts and circumstances of the incident on board Spirit Airlines 174, including the video taken by LAFONTANT, AUSA Buford concurred that a summons should be issued to YENNI for violation of Title 18 United States Code, Section 113(a)(4).

6. Based on the foregoing, I believe there is probable cause to believe that YENNI violated Title 18 U.S.C. ' 113(a)(4) Simple assault, by inappropriately touching and squeezing \_\_\_\_\_'s thigh on board Spirit Airline flight 174, en-route to JFK.

Dated: 8/21/17



Krister Suter  
Task Force Officer-FBI